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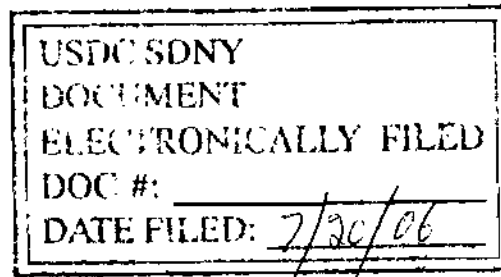
MEMO ENDORSED

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July 7, 2006

VIA HAND



Hon. Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1310
New York, NY 10007-1312

Re: American Steamship, etc. v. Alcoa, et al. - 04 Civ. 4309 (LAK)(JAF)

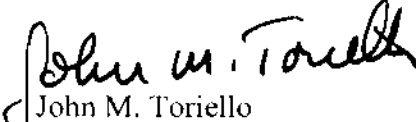
Dear Judge Kaplan:

We represent Defendants American President Line, Ltd., sued herein as American President Lines, Inc., and American President Lines, Ltd. as Successor to American Mail Line (collectively "APL"). We write with respect to Your Honor's Order dated March 7, 2006, which provides that the parties are to provide the Court with the affidavits containing the direct testimony of their witnesses today.

APL has previously designated the Declaration of Mark Peterson ("Peterson Declaration") as "Confidential" pursuant to the Stipulation for Protective Order and Order endorsed by the Court on January 14, 2004 ("Protective Order"). No party has objected to this designation. A courtesy copy of the Peterson Declaration is being delivered to Chambers today as part of the packet of materials being submitted to the Court pursuant to the March 7, 2006 Order.

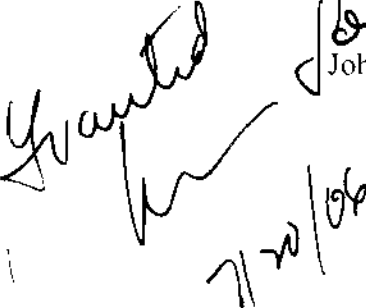
We note that this litigation has been designated an ECF Case and that all submissions must be filed through ECF. The Protective Order, however, provides no guidance with respect to the filing of "Confidential" documents through ECF. Accordingly, we request that the Court permit APL to file the Peterson Declaration under seal or by some other method to preserve the confidentiality of the contents thereof.

Respectfully submitted,


John M. Toriello

cc: All Counsel (Via Email)

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7/20/06